

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

AGNIESZKA MILER,

Plaintiff,

v.

Case No. 05-C-903

HARBOR FISH MARKET AND GRILLE, INC.,

Defendant.

ORDER

Defendant has filed two expedited motions under Civil Local Rule 7.4 seeking to limit the plaintiff to calling only the witnesses it has already named. The defendant's basis for requesting this limitation is that the deadline for naming liability experts passed on June 1, 2006 without the plaintiff having named an expert. It also seeks to limit the plaintiff to calling only the three witnesses she has named in her initial disclosures. The plaintiff has not responded to the motions.

Although the defendant appears to be on solid legal ground, it seems premature at this stage to issue an order barring the testimony of witnesses who in all likelihood do not even exist. Should the plaintiff at some future date seek to introduce new, unnamed, witnesses, the motions may be renewed and the plaintiff will have to state persuasive grounds for failing to name witnesses earlier; she will also have to overcome her failure to respond to the present motions. But at this time I am not willing to issue a ruling about an unripe dispute that may never actually ripen.

The motions are therefore denied without prejudice.

SO ORDERED this 10th day of July, 2006.

s/ William C. Griesbach
William C. Griesbach
United States District Judge